THE HONOURABLE SMT JUSTICE T. MEENA KUMARI

AND

THE HONOURABLE MR JUSTICE P. LAKSHMANA REDDY

WRIT APPEAL NO: 667 OF 2000

DATED: 24-08-2005

Between:

B.R. Jayaram Naik,

S/o. b. Sheela Naik,

Working as Junior Assistant in the

A.P. Social Welfare Residential College

and Schools Gandi, Cuddapah District. …Appellant

AND

1. The Secretary, A.P. Social Welfare

Residential Educational Institutions

Society, Masab Tank, Hyderabad and

two others …Respondents

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JUDGMENT: (Per the Hon'ble Smt. Jsutice T. Meena Kumari)

This writ appeal is filed by the appellant aggrieved by the order of the learned Single Judge passed in W.P.No.17176 of 1999 on 6th April, 2000, under which the writ petition was dismissed with the observations as indicated therein.

The appellant is the writ petitioner. He filed the writ petition seeking a direction in the nature of writ of mandamus to call for the records relating to Tr. Rc.No.ZONE-IV/7728/98 dated 4.8.1999 passed by the 1st respondent and set aside the same and consequently, to issue a direction to the respondents to continue the petitioner as Junior Assistant (Junior assistant cum-Typist-JACT) Post in A.P. Social Welfare Residential Junior College and School, Gandhi, Cuddapah District, by treating the petitioner's promotion as JACT and by taking his post service and eligibility before the amendment of the Rules and also as per the APSWREI Society Service (Recruitment) Rules 1987. The learned Single Judge having observed that the writ petitioner was given promotion with a pre-condition to acquire requisite qualifications prescribed for the said post within a period of two years, but he failed to acquire the said qualifications within the prescribed time, dismissed the writ petition. Aggrieved by the same, the petitioner has preferred this appeal.

Heard the learned counsel.

The learned Counsel for the petitioner contends that as on the date of the promotion of the petitioner as Junior Assistant and the rules governing the post as on that day, there is no such requirement as to the passing of the Typewriting examination by Higher Grade both in English and Telugu. He further contended that as the petitioner was promoted to the post of Junior Assistant-cum-Typist with effect from 28-3-1994, it is not necessary to pass typewriting Higher Grade (both in Telugu and English). When once the petitioner was given promotion with retrospective effect and as he completed 4 ½ years of service in the said post, he is entitled for regularization of services and therefore, he seeks to set aside the order impugned.

Per contra, the learned Standing Counsel appearing for the respondents submitted that as per the regulations, the appellant has not fulfilled the condition of acquiring the requisite qualifications and as such, he is not entitled for promotion and therefore, the order of the learned Single Judge is justified and it does not

warrant any interference by this Court.

Perused the material available on record and the order under appeal.

Admittedly, pursuant to the orders of this Court, the case of the petitioner was considered for promotion to the post of Junior Assistant-Typist subject to the condition that he shall acquire the requisite qualification of Typewriting in higher grade both in English and Telugu. Subsequently, after four and half years, he was reverted back to Record Assistant on the ground that he has not fulfilled the condition stipulated at the time of promotion as Junior Assistant-Typist. At this stage, the contention of the learned counsel for the petitioner that the subsequent amendments to service Rules, are not applicable in view of the fact that the petitioner is seeking promotion as Junior Assistant and his case shall be considered as per the pre amendment rules, cannot be accepted. Admittedly, the petitioner could not acquire the required qualifications as per the condition precedent stipulated at the time of promoting him as Junior Assistant and as such, We do not find any irregularity or illegality in the order impugned in the writ petition.

In this view of the matter, We have no hesitation to hold that the reasoning assigned by the learned single Judge, in rejecting the claim of the petitioner, is just and reasonable and the consequent findings would not warrant any interference by this Court. We see no merits in this writ appeal and the same is liable to be dismissed.

Accordingly, this writ appeal is dismissed. No costs.

(T.MEENA KUMARI, J)

24TH AUGUST, 2005

(P.LAKSHMANA REDDY,J)

BUD/GURC.

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(Judgment delivered by the Honourable Smt.Justice T.Meena Kumari)

24th AUGUST, 2005.